

MPs' hard yards on jail reform

PRISONS: Tour opens doors into dank, cold Mt Eden and spacious remand centre

by Claire Trevett

The heavy steel mesh gates shut with a dramatic clunk behind a group of members of Parliament traipsing down the curved driveway to the prisoners' entry of Auckland Remand Centre Prison.

They are led through the holding cells, and into the centre where suicidal tendencies are assessed.

Finally, they step into a steel-lined lift with a perspex and steel cage partition and are on their way to the cells.

The law and order select committee MPs toured Mt Eden Prison and the Auckland Central Remand Prison yesterday.

The visits were a precursor to the hearings of submissions on the prison system overhaul proposed in the Corrections Bill.

The bill, touted as a long overdue update to 1954 legislation, aims to put an end to private management of prisons by mid-2005.

The trip to the state-managed Mt Eden Prison and the privately man-

aged remand prison next door offered MPs a real-life glimpse of prisons steered by different rudders.

It did not seem a fair fight.

Mt Eden Prison is 131 years old and it shows. The gloomy stone walls, the pot-holed cement floors, the cramped labyrinthine corridors, the cold and the dank, the sludgy green uniforms.

The small weights gym is where the gallows once sat.

"It's bad karma," said Georgina Beyer. "I've never heard anything decent about this place from anybody who's been in it."

The visit cements the National MPs' opposition to the bill.

"This is horrific," says Tony Ryall. Rakaia MP Brian Connell struggles to find a highlight — "it's more a feeling of absolute depression really".

United Future's Marc Alexander says the remand prison is "the only one in New Zealand internationally recognised as achieving a particular standard. They have done it in three years. The state ones have had over 100 years, and they haven't achieved it."

Prison law changes

- No private companies running prisons.
- Enhanced powers of search in jails.
- Setting-up of regulations governing weapons used by prison officers. There is now a complete ban on teargas, but no restrictions on batons.
- More emphasis on rehabilitation and extending the complaints resolution process for prisoners.

The MPs nearly ran to the exit gate. At the clean, spacious three-year-old remand prison, a line-up of Australian Correctional Management staff in snappy blazers, shirts and ties greet the MPs.

Humour peppers introductions and explanations, the security and guards are "dynamic", any tagging is quickly painted over.

Even the barbed wire topping

seems to gleam.

"See," Mr Alexander snaps his fingers. "Notice the professionalism. Notice the different attitude. Private enterprise. This is what it can do."

In Mt Eden, bar one booming "koro" from a cell, the MPs met with whistling and suspicion in eyes clamped to tiny peep holes.

In the remand prison, prisoners in a classroom supplement their cheery greeting with a waiata.

The MPs last stop is the combined whare hui and chapel where gentle music spills from overhead speakers and they bow their heads in a final karakia.

The tour was a hard-sell of what private management can offer, a rebuttal of the view that running prisons is a core state activity and it is inappropriate for private organisations to wield such coercive power over people.

Afterward, Labour MP Georgina Beyer says she is sticking to the Government line. Committee chairman and Labour MP Martin Gallagher opts for not being drawn on his views.

MAS

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SUBMISSION OF WAITAKERE CITY MAYOR BOB HARVEY

AND

NORTH SHORE CITY MAYOR GEORGE WOOD TO THE

LAW AND ORDER SELECT COMMITTEE,

WEDNESDAY 23RD JULY, 2003

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SUBMISSION OF
WAITAKERE CITY MAYOR BOB HARVEY AND
NORTH SHORE CITY MAYOR GEORGE WOOD
TO THE LAW AND ORDER SELECT COMMITTEE
WEDNESDAY 23RD JULY, 2003

Thank you for permitting us to appear and present our concerns on the Corrections Bill. The cities we represent, Waitakere and North Shore, have a combined population of 380,000 residents. This is approximately 9.45% of the total population of New Zealand. The cultural, ethnic and socio-economic make-up of our two cities are considerably diverse. Waitakere for instance has 13.4% of people who belong to the Maori ethnic group, and contains a larger proportion of Pacific peoples (14.5%) and a larger proportion of the Asian people (11%) compared with the whole of New Zealand. North Shore City also has a high proportion of Asian residents, nearly 13%.

New Zealand in the 21st century is certainly a rapidly changing society.

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This is reflected in the corrections system in our country. The fact that our prison population seems to be growing at a faster rate than our general population, with many prisoners now incarcerated for lengthy periods of imprisonment, is a fact of life that certainly does not make us proud. It seems to be accepted that in the near future we are going to require considerably more prison beds. This should be worrying for our nation.

This submission is made using the knowledge that we have gleaned of the New Zealand corrections system over a number of years.

I have been Mayor of Waitakere City for the past 10 years, and have been closely involved in the efforts of the Te Whanau O Te Waipareira Trust and innovative jurisprudence leaders such as Judge Mick Brown when he sat for many years on the bench at the Henderson District Court.

Mayor Wood was a police officer for 32 years retiring in 1998 as the Officer in Charge of the North Shore City Police district.

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Mayor Wood has had considerable insight into the operation of the prison service in New Zealand whilst he was stationed at Rotorua, Palmerston North, Auckland City and within North Shore City. Mayor Wood has considerable experience and exposure to the atmosphere and culture that exists at both Mt. Eden and Auckland prisons.

Addressing the provisions of the Corrections Bill, we wish to submit on two particular aspects namely:

- The lack of independence in the investigation of complaints within the corrections complaints system; and
- The decision of the Government to terminate the existing contract for the Auckland Central Remand Prison beyond 12 July 2005 and forbidding the Chief Executive of Corrections from entering into any further contracts for the management of prisons.

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Investigation of Incidents and Complaints:

In looking at our first point concerning the corrections complaints system: We strongly submit that the quality of the investigation of complaints is not to the standard that the community desires and requires. Firstly, you should compare the current Corrections situation with the Government's recent announcement that the Police Complaints Authority will be enhanced with more investigators and a larger budget. It will be renamed the Independent Police Complaints Authority. This complaints authority, with a budget set at more than one million dollars, will independently investigate complaints against the Police. The Independent Police Complaints Authority will report directly to Parliament.

No such independent organisation exists for complaints laid by inmates against the system within the Corrections Department.

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In the case of Corrections, the complaints system is managed by the Chief Executive of the department. It is interesting to read clause 175 of the Bill which stipulates a mandatory requirement that any death within a penal institution must be reported to a member of the Police.

Compare that requirement with the statutory directive on the Commissioner of Police to immediately report any death or serious injury inflicted on a third party by a police officer to the Police Complaints Authority.

Prohibition on Private Management of Prisons:

We are immensely disappointed with the decision to prohibit the provision of private prison management contracts (Clause 185). It is our view that the Auckland Central Remand Prison has set an impressive benchmark in prison management; a standard that the public prison organisation should be striving to rival.

Whilst we are not privy to confidential reports that have been submitted by the prison monitor, it seems to us that the Auckland Central Remand Prison stands out like a beacon in setting a new culture and atmosphere in prison management. It is like a breath of fresh air to visit the Auckland Central Remand Prison and see and feel the positive attitudes and practices that pervade the organisation. **.../continued**

It is our view that the type of management standards set by the Auckland Central Remand Prison should be maintained. This can only be achieved by keeping the current contract intact and extending it beyond the proposed termination date of 12 July 2005.

We have a reasonable appreciation of the current management style and culture of the Mt Eden public prison and also the Auckland East and West prisons. It is our view that these institutions are stereotyped and introverted in their style and management practices. Mt Eden Prison clearly is well behind their counterparts in the provision of modern systems so necessary to afford prisoners the best in treatment whilst locked up in the institution.

In the case of the Auckland East and West prisons, they certainly have attempted to reach out to their local communities but, due to a break down in communications, a good relationship has not been established on a permanent basis.

It is interesting to compare the positive relationship that North Shore City experiences with the Royal New Zealand Navy at Devonport with that of the Corrections Department at Albany.

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Clearly the Navy has put in the extra yards to achieve a good relationship with the local community. To the contrary, the Corrections Department has found the establishment of an amicable relationship difficult. We believe this is reflective of the "them and us" attitude that pervades the public prison system.

It is of note, on reading the Corrections Bill, that there is no mention of prison managers being required to develop good communications and understanding with their institutions' local communities. This should surely be included in the key performance indicators that the prison manager at each public prison is required to attain.

These key performance indicators are vitally important and therefore should be codified in statute. This is a duty of the state to ensure that prison management are given full and unequivocal directives of their legal obligations.

Conversely, the Auckland Central Remand Prison management has gone out of its way to build a good relationship with community leaders.

In the Corrections Bill there is mention that Auckland Central Remand Prison must be reported on for a number of outputs and the Chief Executive may set guidelines and instructions on standards.

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There isn't any mention of key performance indicators. There does not seem to be any specific requirement for either the Minister or the Chief Executive to set goals or objectives that would result in the preparation of an annual plan for each institution or the setting of key performance indicators.

We believe that the monitor concept, as set out in Clauses 200, 201 and 202, has given the Auckland Central Remand Prison a good guide as to what areas of its operation must be strictly addressed. It is an open, no surprises type of monitoring system which, due to its incorporation in statute, helps in maintaining public confidence in the privately run institution. It is somewhat curious as to why this monitor concept does not also exist in the public prisons of New Zealand.

Initially, the thought of a private prison being operated with the aim of making a profit by managing the confinement of fellow New Zealanders didn't rest easy with us. However, after observing the operation of the Auckland Central Remand Prison and comparing it with the adjoining Mt Eden Prison, we believe there is good reason to continue the private prison contract beyond 12 July 2005. We urge this committee to recommend to Parliament that the termination of the contract not occur.

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New Zealand needs to be forward thinking in the management of prisons. With one of the highest levels of imprisonment rates per population, it is important that we continue to be innovative and progressive in the reform of penal institutions.

It is our request that this Committee:

- Recommends an independent body responsible directly to Parliament to investigate incidents and complaints. This would be an organisation with similar powers, functions and responsibilities as the Police Complaints Authority.
- Recommends that the contract of the Auckland Central Remand Prison not be terminated on 12 July 2005 and that, at least, this institution be permitted to continue to operate as a contract prison with appropriate legislation being put in place.

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